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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6104 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SAIBABA SUGAR BHANDAR

Versus

STATE OF GUJARAT

Appearance:

M/S THAKKAR ASSOC. for Petitioner

MR VB GHARANIA ASSTT. GP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 09/09/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. Gharania, learned Assistant Government Pleader appearing for the respondents. Mr. S.B.Patel, Assistant Director of Food is present in the Court. According to the submissions made by Mr. Gharania under the instruction of the said Officer who is present in the Court, the impugned orders dated 4th April, 1998 and 14th April, 1998

rendered by the Food & Civil Supply Controller and Deputy Food and Civil Supply Controller, Ahmedabad were issued as per communication dated 2nd April, 1998 received from the Director of Food, Government of Gujarat, inter-alia, stating therein that the nomination given to the petitioner as per order dated 28th January, 1998 should be cancelled with immediate effect. It is, thus, clear that the petitioner has not been given any opportunity of having his say in the matter. In that view of the matter, the impugned orders dated 4th April, 1998 and 13th April, 1998 at Annexures "C" and "D" to the petition are hereby quashed and set aside and it is further directed that if any such order is required to be passed either by the aforesaid Authorities, same shall be passed in accordance with law after affording an opportunity of hearing to the petitioner and having his say into the matter. Rule is made absolute in above terms with no order as to cost.

Vyas